

ATTACHMENT 52

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
) Case No.
vs.) 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
)
_____)

VIDEOTAPED DEPOSITION OF KEVIN C. ALMERO TH
San Francisco, California
Tuesday, June 28, 2016
Volume I

HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2337647
Pages 1 - 296

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<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION 4 5 CISCO SYSTEMS, INC.,) 6) 6 Plaintiff,) 7) Case No. 7 vs.) 5:14-cv-05344-BLF (PSG) 8) 8 ARISTA NETWORKS, INC.,) 9) 9 Defendant.) 10) 11 _____) 12 13 14 15 16 VIDEOTAPED DEPOSITION OF KEVIN C. 17 ALMEROOTH, Volume I, taken on behalf of Defendant, at 18 633 Battery Street, San Francisco, California 19 beginning at 8:34 a.m., and ending at 5:43 p.m., on 20 Tuesday, June 28, 2016, before CARLA SOARES, 21 Certified Shorthand Reporter No. 5908. 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 INDEX 2 WITNESS 3 KEVIN C. ALMEROOTH EXAMINATION Volume I 4 5 BY MR. SILBERT 7 6 7 EXHIBITS 8 NUMBER DESCRIPTION PAGE 9 Exhibit 1538 Opening Expert Report of Kevin 20 10 Almeroth Regarding Copying 11 12 Exhibit 1539 Rebuttal Expert Report of Kevin 75 13 Almeroth 14 15 Exhibit 1540 Expert Report of John R. Black, 95 16 Jr. 17 18 Exhibit 1541 Handwritten document 204 19 20 --o0o-- 21 22 23 24 25</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES: 2 3 For the Plaintiff: 4 QUINN EMANUEL URQUHART & SULLIVAN, LLP 5 BY: ANDREW M. HOLMES, Attorney at Law 6 50 California Street, 22nd Floor 7 San Francisco, California 94111 8 415.875.6322 9 drewholmes@quinnemanuel.com 10 11 12 For the Defendant: 13 KEKER & VAN NEST LLP 14 BY: DAVID J. SILBERT, Attorney at Law 15 RYAN WONG, Attorney at Law 16 633 Battery Street 17 San Francisco, California 94111 18 415.391.5400 19 dsilbert@kvn.com 20 rwong@kvn.com 21 22 ALSO PRESENT: John Black 23 Sean Grant, Video Operator 24 25 --o0o--</p> <p style="text-align: right;">Page 3</p>	<p>1 REFERENCED EXHIBITS 2 (Not attached) 3 Exhibit Page 4 1503 160 5 639 174 6 1504 175 7 1505 183 8 1506 184 9 1523 187 10 1500 194 11 12 --o0o-- 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 5</p>

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1 San Francisco, California	1 other times I've testified under deposition. I 08:36:01
2 Tuesday, June 28, 2016	2 don't know that there's a distinction in what
3 8:34 a.m.	3 Mr. Holmes said.
4	4 Q Okay. Are you asking the court to
5 PROCEEDINGS	5 recognize you as an expert in this matter? 08:36:14
6 THE VIDEO OPERATOR: Good morning. We're	6 A I don't know that I'd be asking the court
7 on the record. The time is 8:34 a.m., and the date	7 to do that, but certainly, I think my qualifications
8 is June 28th, 2016. This begins the videotaped	8 justify that the court see me as an expert.
9 deposition of Dr. Kevin Almeroth.	9 Q On what subjects relevant to the opinions
10 My name is Sean Grant, here with our court 08:34:13	10 expressed in your reports do you claim to be an 08:36:37
11 reporter, Carla Soares. We're here from Veritext	11 expert?
12 Legal Solutions at the request of counsel for	12 A I'm not sure I understand the question. I
13 defendant.	13 don't know that I can sit here and come up with the
14 This deposition is being held at Kecker &	14 definitive list of subjects.
15 Van Nest LLP in San Francisco, California. The 08:34:24	15 I think on any of the subjects that I 08:36:58
16 caption of this case is Cisco Systems, Inc., versus	16 testify about and offer opinions about, I believe
17 Arista Networks, Inc., Case No. 5:14-cv-05344-BLF.	17 I'm qualified as an expert.
18 Please note that audio- and	18 Q Are you an expert in computer science?
19 video-recording will take place unless all parties	19 A I believe I am.
20 have agreed to go off the record. Microphones are 08:34:45	20 Q Are you an expert in networking 08:37:09
21 sensitive and may pick up whispers, private	21 technology?
22 conversations, or cellular interference.	22 A I believe I am.
23 At this time, will counsel please identify	23 Q Are you an expert in network device
24 themselves and state whom they represent.	24 operating systems?
25 MR. HOLMES: Drew Holmes on behalf of 08:34:58	25 A I believe I am. 08:37:19
Page 6	Page 8
1 Cisco, as well as the witness, from Quinn Emanuel. 08:35:00	1 Q From -- for how many different network 08:37:24
2 MR. SILBERT: David Silbert, Kecker &	2 device vendors have you reviewed any source code for
3 Van Nest, on behalf of defendant Arista.	3 their network device operating systems?
4 MR. WONG: Ryan Wong of Kecker & Van Nest	4 MR. HOLMES: Objection. Vague.
5 on behalf of Arista. 08:35:11	5 THE WITNESS: Generally speaking, or just 08:37:39
6 THE VIDEO OPERATOR: And also present?	6 in the conjunction -- just in conjunction with this
7 MR. BLACK: I'm John Black. I'm an expert	7 case?
8 witness for Arista.	8 BY MR. SILBERT:
9 THE VIDEO OPERATOR: Will the certified	9 Q Well, why don't we take them one by one.
10 court reporter please swear in the witness. 08:35:29	10 First, in conjunction with this case, for 08:37:47
11 KEVIN C. ALMEROOTH,	11 how many network device vendors have you reviewed
12 having been administered an oath, was examined and	12 any source code for their network device operating
13 testified as follows:	13 systems?
14 EXAMINATION	14 A Sitting here right now, I specifically
15 BY MR. SILBERT: 08:35:31	15 recall two: Cisco and Arista. There might have 08:38:04
16 Q Good morning, Dr. Almeroth.	16 been others. I just don't remember them.
17 A Good morning.	17 Q And generally speaking, for how many
18 Q A minute ago counsel for Cisco introduced	18 different network device vendors have you reviewed
19 himself as representing Cisco and also representing	19 any source code for their network device operating
20 you in your capacity as a witness. 08:35:41	20 systems? 08:38:22
21 Is it your understanding that you're being	21 A Maybe ten.
22 represented in your capacity as a witness today by	22 Q Can you name them?
23 the Quinn Emanuel law firm?	23 A In addition to Cisco and Arista, I believe
24 A I don't have an understanding that the	24 I've reviewed source code for A10, maybe F5, 3Com.
25 representation is any different than any of the 08:35:59	25 Quagga is an open source so I've looked at source 08:38:49
Page 7	Page 9

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<p>1 different operating systems that Cisco has 16:55:06 2 copyrighted. 3 So it's -- for example, both NX-OS and the 4 different versions of IOS, XE, XR, and regular IOS, 5 both have a "Global Configuration" mode. It's the 16:55:26 6 same mode across NX-OS and the different versions of 7 IOS. So I'm not sure that you would count that as 8 one of nine modes given the overlap between the 9 different versions of IOS. 10 But to the extent they are separate 16:55:52 11 copyrights, then yes. 12 Q Is the interface configuration mode the 13 same across NX-OS and IOS? 14 A Conceptually, the mode is itself. But as 15 I've discussed in the report, there's potentially 16:56:08 16 different commands that are available within that 17 mode. 18 So what the mode is is similar across the 19 two versions of the operating system. 20 Q And you said that that's also true for the 16:56:22 21 global configuration mode? 22 A Yes. 23 Q Is that true for the "User EXEC" mode 24 across NX-OS and IOS? 25 A That's what we started discussing this 16:56:36 Page 266</p>	<p>1 But can you please tell me -- you could 16:58:05 2 also look at page 95. 3 But could you please tell me, what is it 4 that Arista copied, in your opinion, about -- from 5 Cisco's modes? 16:58:21 6 A I think to give you a detailed and precise 7 answer, I would look it up in the report. I think 8 it's described in the report, so I can certainly try 9 and find it. 10 Q Part of what you say Arista copied is the 16:58:42 11 name of the mode. 12 A Do you want to point me to where that -- 13 Q I'm trying to understand what your 14 allegations are. So I'm not telling you, I'm asking 15 you. 16:58:55 16 A Okay. Then is there a particular 17 paragraph that you have a question about with 18 respect to what the description is? 19 I mean, there's a description, as you 20 pointed, on pages 18 through 20, modes and prompts 16:59:09 21 within IOS, and I think you mentioned page 95. 22 Q Right. 23 A I would have to go through the report and 24 look. 25 There's certainly a section starting on 16:59:27 Page 268</p>
<p>1 exhibit about, that there are differences that 16:56:39 2 evolved within NX-OS that led to differences, at 3 least conceptually, in the later versions. 4 I think I go into those details more in 5 the reports, and certainly it's described in the 16:56:52 6 documentation that I've referenced. 7 Q In your expert reports, do you identify 8 which commands Arista makes available in each of 9 these modes? 10 A I don't recall specifically. I think the 16:57:10 11 reports speak for themselves. 12 I believe in the section in the reports 13 that talk about parsing, it's -- I describe the 14 philosophy about how different commands are parsed 15 and executed in the different modes. 16:57:27 16 Q What -- when you say that Arista copied a 17 mode from Cisco, are you saying that it copied the 18 name of the mode? 19 A I don't think it's just the name, but I've 20 gone through a detailed analysis in my report. I'd 16:57:49 21 really defer to the analysis and the opinions that I 22 have in the report. 23 Q Okay. Feel free to refer to it if you'd 24 like to, and I can point you, at least, to pages 18 25 to 20 in your opening report. 16:58:03 Page 267</p>	<p>1 page 92, "Cisco's CLI Command Modes and Prompts 16:59:29 2 Compared to Arista's Command Modes and Prompts," and 3 it lays out my analysis over the next several pages, 4 and then references the interrogatory, and I believe 5 it references the exhibit that we were talking about 16:59:47 6 earlier and continues on to page 95. 7 So I mean, if there's some part of that 8 that you have a question about, I can answer. 9 Q Yeah. My question is, what is it that you 10 say they copied? 17:00:00 11 I mean, what you -- and I'm not 12 criticizing. I'm just trying to understand what 13 your allegation is here. 14 The way that I read it -- again, I'm not 15 trying to be pejorative in any way. But you list 17:00:11 16 the Cisco modes, and then you say, "I agree that 17 Arista copied these modes," and you have a list of 18 the modes. You say, "Here's the Cisco mode and the 19 prompt and the identical or similar Arista mode and 20 prompt." 17:00:28 21 You say in paragraph 183, "With respect to 22 the modes, six out of eight modes are word-for-word 23 identical." 24 What is it about the mode that Arista 25 copied? 17:00:41 Page 269</p>

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<p>1 A I think that's described in this, in the 17:00:43 2 previous section of the report. I mean, I can start 3 reading from the paragraphs. 4 Q If you need to read from the paragraphs, 5 go ahead. 17:00:53 6 But I just want to understand, what are 7 the features of the mode that, in your opinion, 8 Arista copied from Cisco? 9 A Sure. And I think that that's described 10 in the report. 17:01:02 11 So starting at paragraph 177, as an 12 example of one of the places in the report where 13 there's relevant opinion on the subject, it says, 14 "Exhibit C to Cisco's second supplemental response 15 to Interrogatory No. 2 identifies certain command 17:01:19 16 modes and associated prompts that were created by 17 Cisco and that Cisco alleges were copied by Arista." 18 And then, "Cisco alleges that Arista's use 19 of these command modes and prompts extends to 20 interface, feature, protocol, and other more 17:01:36 21 specific command modes and sub-modes, with 22 associated prompts." 23 So that's one place. 24 And then -- I mean, I can -- 25 Q I'm sorry to interrupt you, but all it 17:01:47</p> <p style="text-align: right;">Page 270</p>	<p>1 the modes actually are, so the concept of what the 17:03:10 2 modes are as embodied within the copyrighted 3 material for Cisco. 4 So by the time you get to paragraph 177, 5 it's a summary of what the command modes are and 17:03:25 6 what those associated prompts are. 7 Q Is it the concept of what the mode is, 8 what the mode allows you to do when you're in a 9 particular mode? Is that what Arista copied? 10 MR. HOLMES: Objection. Vague. 17:03:39 11 BY MR. SILBERT: 12 Q Or one of the things that you say Arista 13 copied? 14 MR. HOLMES: Objection. Vague, calls for 15 a legal conclusion. 17:03:46 16 THE WITNESS: I'm not sure how to state it 17 other than what's in the report. I'm not sure what 18 about the report is unclear or how to restate it in 19 a different way. 20 I mean, I think it's right there, for 17:03:58 21 example, in the words in paragraph 177. 22 BY MR. SILBERT: 23 Q In paragraph 177, this is going to tell me 24 what features of the modes Arista allegedly copied? 25 A I think that's one paragraph as part of 17:04:13</p> <p style="text-align: right;">Page 272</p>
<p>1 says is that some Cisco interrogatory response 17:01:50 2 identifies modes and prompts that Cisco says it 3 created and that Cisco alleges that it -- that it -- 4 that Arista copied. 5 A And it includes examples from the 17:02:05 6 documents on page 94 of what comes from Arista. And 7 then earlier in the report, it had similar documents 8 that describe what came from Cisco. 9 Q I just -- I don't want to argue. I'm 10 trying to understand, what are the elements of the 17:02:22 11 modes that you allege that Arista copied from Cisco? 12 I understand you're saying the names of 13 the modes are at least one of those elements. I'm 14 not limiting you to that, but at least one of those 15 elements. 17:02:38 16 What are the other features of the modes 17 that you say that Arista copied from Cisco? 18 A I'm not sure I understand the question 19 beyond pointing to the paragraphs in the report that 20 describe what those are. 17:02:50 21 I mean, I think starting in 22 paragraph 177 -- we can get out the interrogatory 23 and look at what it says. It's describing in at 24 least paragraph 177, if not in other places earlier 25 in the report, on page 18 where it talks about what 17:03:07</p> <p style="text-align: right;">Page 271</p>	<p>1 the section. It's the one that we can start with. 17:04:15 2 We can go through the other sections that 3 are relevant to the -- to this issue and go through 4 what they describe. 5 Q Feel free to refer to your report as much 17:04:44 6 as you'd like. But is one of the things that you 7 contend that Arista copied about Cisco's command 8 modes the name of the mode? 9 A I think it's that first sentence in 10 paragraph 177, "Exhibit C to Cisco's second 17:05:01 11 supplemental response to Interrogatory No. 2 12 identifies certain command modes and associated 13 prompts that were created by Cisco and that Cisco 14 alleges were copied by Arista." 15 I mean, I think that that describes, at 17:05:16 16 least in one sentence that I'm looking at now, what 17 was copied. 18 Q Is that a yes, that one thing that was 19 copied was the name of the mode? 20 I can't understand, reading that sentence, 17:05:31 21 whether -- it says "the mode" -- it says "identifies 22 modes that it asserts were copied." 23 I don't understand what was copied about 24 the mode. I'm just trying to understand. Is it -- 25 trying to take it piece by piece. 17:05:43</p> <p style="text-align: right;">Page 273</p>

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<p>1 transcript as highly confidential, outside counsel 17:43:10 2 only. 3 (TIME NOTED: 5:43 p m.) 4 --o0o-- 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 294</p>	<p>1 I, the undersigned, a Certified Shorthand 2 Reporter of the State of California, do hereby 3 certify: 4 That the foregoing proceedings were taken 5 before me at the time and place herein set forth; 6 that any witnesses in the foregoing proceedings, 7 prior to testifying, were administered an oath; that 8 a record of the proceedings was made by me using 9 machine shorthand which was thereafter transcribed 10 under my direction; that the foregoing transcript is 11 a true record of the testimony given. 12 Further, that if the foregoing pertains to 13 the original transcript of a deposition in a Federal 14 Case, before completion of the proceedings, review 15 of the transcript [X] was [] was not requested. 16 I further certify I am neither financially 17 interested in the action nor a relative or employee 18 of any attorney or any party to this action. 19 IN WITNESS WHEREOF, I have this date 20 subscribed my name. 21 22 Dated: 6/30/2016 23 24 <%signature%> 25 CARLA SOARES CSR No. 5908</p> <p style="text-align: right;">Page 296</p>
<p>1 2 3 4 5 6 7 8 I, KEVIN C. ALMEROOTH, do hereby declare 9 under penalty of perjury that I have read the 10 foregoing transcript; that I have made any 11 corrections as appear noted, in ink, initialed by 12 me, or attached hereto; that my testimony as 13 contained herein, as corrected, is true and correct. 14 EXECUTED this _____ day of _____, 15 2016, at _____, 16 (City) (State) 17 18 19 20 _____ 21 KEVIN C. ALMEROOTH 22 23 24 25</p> <p style="text-align: right;">Page 295</p>	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
) Case No.
vs.) 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
_____)

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VIDEOTAPED DEPOSITION OF KIRK LOUGHEED
Palo Alto, California
Friday, November 20, 2015
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2187110
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<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION 4 5 CISCO SYSTEMS, INC.,) 6) 7 Plaintiff,) 8) Case No. 9 vs.) 5:14-cv-05344-BLF (PSG) 10) 11 ARISTA NETWORKS, INC.,) 12) 13 Defendant.) 14) 15) 16) 17) 18) 19) 20) 21) 22) 23) 24) 25)</p> <p>VIDEOTAPED DEPOSITION OF KIRK LOUGHEED, Volume I, taken on behalf of Defendant, at 650 Page Mill Road, Palo Alto, California, beginning at 9:19 a.m., and ending at 6:15 p.m., on Friday, November 20, 2015, before CARLA SOARES, Certified Shorthand Reporter No. 5908.</p> <p>Page 2</p>	<p>1 APPEARANCES (Continued): 2 3 For the Defendant: 4 KEKER & VAN NEST LLP 5 BY: BRIAN L. FERRALL, Attorney at Law 6 BY: RYAN WONG, Attorney at Law 7 633 Battery Street 8 San Francisco, California 94111 9 415.391.5400 10 bferrall@kvn.com 11 rwong@kvn.com 12 13 ALSO PRESENT: Sean Grant, Video Operator 14 --o0o-- 15 16 17 18 19 20 21 22 23 24 25</p> <p>Page 4</p>
<p>1 APPEARANCES: 2 3 For the Plaintiff and the Witness: 4 QUINN EMANUEL URQUHART & SULLIVAN, LLP 5 BY: JOHN (JAY) NEUKOM, Attorney at Law 6 50 California Street, 22nd Floor 7 San Francisco, California 94111 8 415.875.6341 9 johnneukom@quinnemanuel.com 10 and 11 KIRKLAND & ELLIS LLP 12 BY: JOSHUA L. SIMMONS, Attorney at Law 13 601 Lexington Avenue 14 New York, New York 10022 15 212-446-4989 16 joshua.simmons@kirkland.com 17 18 19 20 21 22 23 24 25</p> <p>Page 3</p>	<p>1 INDEX 2 WITNESS 3 KIRK LOUGHEED EXAMINATION 4 Volume I 5 BY MR. FERRALL 10 6 7 EXHIBITS 8 NUMBER DESCRIPTION PAGE 9 Exhibit 29 Document headed "Internet 73 10 Protocol," 11 Bates ARISTANDCA0031553 - 1601 12 13 Exhibit 30 Document headed "DoD Internet 73 14 Host Table Specification" 15 16 Exhibit 31 Document headed "An Ethernet 73 17 Address Resolution Protocol or 18 Converting Network Protocol 19 Addresses to 48.bit Ethernet 20 Address for Transmission on 21 Ethernet Hardware," 22 Bates ARISTANDCA0003130 - 1639 23 24 25</p> <p>Page 5</p>

1	EXHIBITS		1	EXHIBITS	
2	NUMBER DESCRIPTION PAGE		2	NUMBER DESCRIPTION PAGE	
3	Exhibit 32 Document headed "Address Resolution Protocol (ARP) module for the Yeager gateway"	85	3	Exhibit 43 Document entitled "DECbrouter 90 Products," Bates CSI-ANI-00081683 - 1683.000344	181
4			4		
5			5		
6			6		
7	Exhibit 33 Email string, top email to Kirk Lougheed and Paula Labloner from Mike Sanchez, dated 11-17-14, Bates CSI-CLI-01326834 - 6837	89	7	--o0o--	
8			8		
9			9		
10			10		
11			11		
12	Exhibit 34 Email string, top email to Phillip Remaker from Kirk Lougheed, dated 3-30-10, Bates CSI-CLI-01317865 - 7866	93	12		
13			13		
14			14		
15			15		
16			16		
17	Exhibit 35 Email string, top email to Joe Hielscher from Kirk Lougheed, dated 7-23-08, Bates CSI-CLI-01134849 - 4850	100	17		
18			18		
19			19		
20			20		
21			21		
22	Exhibit 36 Document entitled "Stanford Ethertip/Gateway User and Configuration Guide," Bates CSI-CLI-01315523 - 5568	101	22		
23			23		
24			24		
25			25		
Page 6			Page 8		
1	EXHIBITS		1	Palo Alto, California	08:37:04
2	NUMBER DESCRIPTION PAGE		2	Friday, November 20, 2015	
3	Exhibit 37 Document entitled "cisco Systems AGS User Manual," Bates CSI-CLI-00358166 - 8223	106	3	9:19 a.m.	
4			4		
5			5	PROCEEDINGS	08:37:10
6			6	THE VIDEO OPERATOR: Good morning. We're	
7	Exhibit 38 Email string, top email to Phillip Remaker from Kirk Lougheed, dated 12-11-08, Bates CSI-ANI-00043306 - 3306.000001	122	7	on the record. The time is 9:19 a.m., and the date	
8			8	is November 20th, 2015. This begins the videotaped	
9			9	deposition of Kirk Lougheed.	
10			10	My name is Sean Grant, here with our court	09:19:25
11			11	reporter, Carla Soares. We're here from Veritext	
12	Exhibit 39 Document entitled "Cisco's Response to Arista's Interrogatory No. 16 Amended Exhibit D1 (IOS Release 11.0)"	152	12	Legal Solutions at the request of counsel for	
13			13	defendant.	
14			14	This deposition is being held at Wilson	
15			15	Sonsini in Palo Alto, California. The caption of	09:19:34
16			16	this case is Cisco Systems, Inc., versus Arista	
17	Exhibit 40 Email to Craig Fox from Kirk Lougheed, dated 3-6-96, Bates CSI-CLI-00746398	160	17	Networks, Inc., Case No. 5:14-CV-05344-BLF.	
18			18	Please note that audio- and	
19			19	video-recording will take place unless all parties	
20			20	have agreed to go off the record. Microphones are	09:19:54
21	Exhibit 41 Document described as source code file	162	21	sensitive and may pick up whispers, private	
22			22	conversations, or cellular interference.	
23			23	At this time, will counsel please identify	
24	Exhibit 42 Document described as code	177	24	themselves and state whom they represent.	
25			25	MR. FERRALL: Brian Ferrall of Kecker &	09:20:06
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Pages 6 to 9

1	A Could you explain to me what you mean by	11:09:26			
2	"parser"?				
3	Q Do you know what a parser is?				
4	A I know in a generic sense what a parser				
5	is.	11:09:45			
6	Q What's a parser in your -- based on your				
7	understanding?				
8	A A parser is something that takes a string				
9	of text and divides it up into a sequence of tokens,				
10	and then takes some action based on those sequence	11:10:09			
11	of tokens.				
12	Q Based upon that understanding, do you know				
13	whether EXEC had a parser?				
14	A Yes.				
15	Q It did?	11:10:25			
16	A It did.				
17	Q How do you know that it had a parser?				
18	A Because it had the behavior that I				
19	described.		19	Q Are you familiar with the syntax of	
20	Q Had you ever seen the EXEC source code?	11:11:03	20	TOPS-20 commands?	11:17:00
21	A Yes.		21	A In a -- yes.	
22	Q And had you seen the parser code of EXEC?		22	Q Can you explain what it is?	
23	A I had seen parts of it.		23	A There are many commands. I do not	
24	Q How did you come to see that code?		24	remember all of them.	
25	A It was -- Stanford had a source license to	11:11:33	25	Q Was there a general format for TOPS-20	11:17:37
		Page 54			Page 56
1	that software	11:11:38	1	commands, to your recollection?	11:17:42
			2	A Yes.	
			3	Q What was that format?	
			4	A Again, there are many commands, and I	
			5	don't remember all the details of those commands.	11:18:10
			6	Q Okay. Do you -- I was trying to get	
			7	beyond that by asking you a general question about	
			8	the format that might be applicable to a range of	
			9	commands.	
			10	Is there such a thing, to your knowledge?	11:18:27
			11	MR. NEUKOM: Objection to form. Vague.	
			12	THE WITNESS: The -- the EXEC -- the	
			13	number of such commands was large and varied. And	
			14	DEC appeared to have a standard way of doing things,	
			15	but I don't remember all the details.	11:18:55
			16	BY MR. FERRALL:	
			17	Q Okay. Can you tell me anything you	
			18	remember about the way TOPS-20 commands were	
			19	formatted as a general matter?	
			20	MR. NEUKOM: Objection to form.	11:19:20
			21	THE WITNESS: There would be a leading	
			22	keyword, perhaps one or two leading keywords. There	
			23	was -- to help people along, you could hit an	
			24	"escape" key. You would complete -- it might print	
			25	out something called a guide word.	11:20:05
		Page 55			Page 57

<p>1 exhibit. 14:20:06</p> <p>2 (Exhibit 37 was marked for identification</p> <p>3 and is attached hereto.)</p> <p>4 BY MR. FERRALL:</p> <p>5 Q We've marked as Exhibit 37 a document 14:20:18</p> <p>6 entitled "cisco Systems AGS User Manual System</p> <p>7 Version 6.0." It bears control numbers</p> <p>8 CSI-CLI-00358166 to 222.</p> <p>9 Do you recognize Exhibit 37?</p> <p>10 A I do. 14:20:38</p> <p>11 Q Did you help prepare it?</p> <p>12 A I did.</p> <p>13 Q And this is -- this is the manual that</p> <p>14 accompanied Version 6 of Cisco's software release;</p> <p>15 is that correct? 14:20:58</p> <p>16 A Correct.</p> <p>17 Q Do you recall who else would have helped</p> <p>18 you prepare Exhibit 37?</p> <p>19 A I believe I was the sole author.</p> <p>20 Q Who -- strike that. 14:22:42</p> <p>21 IOS has different modes, correct?</p> <p>22 MR. NEUKOM: Objection. Vague, compound.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. FERRALL:</p> <p>25 Q In the current version of IOS, how many 14:23:18</p> <p style="text-align: right;">Page 106</p>	<p>1 Q Did Cisco use the word "mode" in 14:25:27</p> <p>2 describing its functionality of its software?</p> <p>3 A We had -- there would be -- the phrase</p> <p>4 "configuration mode" was certainly being used at</p> <p>5 this time. 14:25:46</p> <p>6 Q Okay. And how did -- how did</p> <p>7 "configuration mode" differ from any other mode of</p> <p>8 operation?</p> <p>9 A It allowed you to type in command</p> <p>10 expressions that affected the configuration of the 14:26:04</p> <p>11 system.</p> <p>12 Q And if you weren't in configuration mode,</p> <p>13 how would you describe whatever mode you were in?</p> <p>14 A You were -- at this time you would have</p> <p>15 said you are at the EXEC. 14:26:32</p> <p>16 Q What does "EXEC" mean?</p> <p>17 A It was the term that I chose to refer to</p> <p>18 the -- all the stuff that wasn't the configuration</p> <p>19 mode.</p> <p>20 Q Give me an example of what that stuff is 14:27:08</p> <p>21 or was.</p> <p>22 A The commands for connecting to other</p> <p>23 computers on the network, the class of command</p> <p>24 expressions that we call the "show" commands.</p> <p>25 Basically the set of commands that did not 14:27:48</p> <p style="text-align: right;">Page 108</p>
<p>1 different modes are there? 14:23:20</p> <p>2 A A lot.</p> <p>3 Q Do you know how many?</p> <p>4 A No, not at present.</p> <p>5 Q More than five? 14:23:44</p> <p>6 A Yes.</p> <p>7 Q More than ten?</p> <p>8 A Probably.</p> <p>9 Q Were there different modes in the</p> <p>10 original -- actually, strike that. 14:24:04</p> <p>11 Let me ask terminology.</p> <p>12 What did you call the original Cisco</p> <p>13 software before it became known as IOS?</p> <p>14 A The gateway software. The router</p> <p>15 software. The terminal server software. The AGS 14:24:25</p> <p>16 software. There was no branding.</p> <p>17 Q This Exhibit 37 refers to "AGS User</p> <p>18 Manual."</p> <p>19 What does AGS stand for?</p> <p>20 A Advanced gateway server. 14:24:45</p> <p>21 Q Okay. At the time of Version 6 of the</p> <p>22 Cisco software, how many different modes were there,</p> <p>23 do you know?</p> <p>24 A So I don't understand how you're using the</p> <p>25 word "mode." 14:25:21</p> <p style="text-align: right;">Page 107</p>	<p>1 reveal -- basically mostly status commands and ones 14:27:53</p> <p>2 for handling connections over the network to other</p> <p>3 hosts, sort of a subset of the -- of the terminal</p> <p>4 server commands.</p> <p>5 Q And you said you chose the term "EXEC," 14:28:26</p> <p>6 that's E-X-E-C; is that right?</p> <p>7 A Yes.</p> <p>8 Q You chose that term, yes?</p> <p>9 A Yes.</p> <p>10 Q How did you come up with that term? 14:28:39</p> <p>11 A Well, I had a number of possible ways of</p> <p>12 describing it. I could have used "shell" after</p> <p>13 the -- modeling it along the UNIX way of -- UNIX</p> <p>14 equivalent.</p> <p>15 From -- I decided EXEC in sort of -- you 14:29:15</p> <p>16 know, inspired by the TOPS-20 command processor.</p> <p>17 You know, calling it the command processor would</p> <p>18 have been another possibility.</p> <p>19 There was a number of possibilities that I</p> <p>20 could have called it, what I could have called that 14:29:38</p> <p>21 particular part of the software, and I ended up</p> <p>22 choosing EXEC.</p> <p>23 Q Now, were you responsible for determining</p> <p>24 the prompt symbol on the interface?</p> <p>25 I'm sorry. Let me be clear. 14:30:26</p> <p style="text-align: right;">Page 109</p>

<p>1 I'm talking about on the interface line, 14:30:28</p> <p>2 there are symbols that precede the input point, such</p> <p>3 as a hash sign, for example, right?</p> <p>4 A So for -- I was responsible for choosing</p> <p>5 the prompts for the command line interface, for the 14:30:45</p> <p>6 CLI.</p> <p>7 Q Okay. And tell me what those prompts are,</p> <p>8 the various prompts that the Cisco CLI uses.</p> <p>9 A There are many right now. But at the time</p> <p>10 there was the -- the unprivileged EXEC commands, and 14:31:09</p> <p>11 that was the host name of the -- of the router or --</p> <p>12 of the router, followed by a close angle bracket.</p> <p>13 There was a privileged mode, and it</p> <p>14 changed that prompt to a hash mark.</p> <p>15 And in the initial implementation of 14:31:55</p> <p>16 configuration mode, there was no prompt.</p> <p>17 Q Okay. How did you choose the hash prompt</p> <p>18 for the privileged mode?</p> <p>19 A It was visually large and different than</p> <p>20 the -- different -- just different than the 14:32:25</p> <p>21 unprivileged EXEC prompt.</p> <p>22 Q Okay. How did you use the unprivileged</p> <p>23 close angle bracket prompt?</p> <p>24 A I don't understand your question.</p> <p>25 Q Did you choose to use the close angle 14:32:59</p> <p style="text-align: right;">Page 110</p>	<p>1 Q And you're not aware of any use of a hash 14:35:22</p> <p>2 sign as a prompt?</p> <p>3 A Not to my recollection.</p> <p>4 Q You were familiar with UNIX in the mid</p> <p>5 1980s, right? 14:36:18</p> <p>6 A As a user of UNIX.</p> <p>7 Q And -- by the way, are you familiar with</p> <p>8 Linux?</p> <p>9 A Only as a user.</p> <p>10 Q When did you first become familiar with 14:36:38</p> <p>11 Linux?</p> <p>12 A With Linux? I think I first heard mention</p> <p>13 of it in the late '90s.</p> <p>14 Q Did Cisco come up with the nomenclature of</p> <p>15 calling a mode "privileged," to your knowledge? 14:38:02</p> <p>16 A I don't believe -- I don't believe Cisco</p> <p>17 came up with that terminology.</p> <p>18 Q Let me turn to the current set of IOS CLI</p> <p>19 commands.</p> <p>20 I don't expect an exact number, but do you 14:38:54</p> <p>21 know approximately how many IOS CLI commands there</p> <p>22 are today?</p> <p>23 A I would have to guess. It is a -- it's a</p> <p>24 very large number.</p> <p>25 Q Can you just give me a ballpark? 14:39:15</p> <p style="text-align: right;">Page 112</p>
<p>1 bracket prompt? 14:33:02</p> <p>2 A Router name, close angle bracket.</p> <p>3 Q Right.</p> <p>4 A Yes, I chose that.</p> <p>5 Q Okay. How did you come to choose that? 14:33:09</p> <p>6 A Well, there were -- when you have multiple</p> <p>7 devices on a network, one of the first things you</p> <p>8 want to know if you're typing at something is to</p> <p>9 what you are typing at. So that -- sort of the most</p> <p>10 aesthetic choice was the -- was the name of the 14:33:51</p> <p>11 device.</p> <p>12 And the angle bracket was a nice visual</p> <p>13 way of terminating -- you know, here's where your</p> <p>14 type-in begins. Here's where the prompt ends,</p> <p>15 here's where the type-in begins. 14:34:19</p> <p>16 Q Had you ever seen the angle bracket used</p> <p>17 as a prompt in any other system?</p> <p>18 A I wasn't aware of any generally available</p> <p>19 host -- general purpose timesharing that actually</p> <p>20 that was the default, that was the prompt. 14:34:56</p> <p>21 Q I'm not sure what you mean by that.</p> <p>22 But had you ever seen any system that used</p> <p>23 a close angle bracket as a prompt?</p> <p>24 A No. TOPS-20 used an "at" sign and UNIX</p> <p>25 used a percent sign. 14:35:19</p> <p style="text-align: right;">Page 111</p>	<p>1 A I believe it's in the low thousands. 14:39:20</p> <p>2 Q Do you know if it's more or less than</p> <p>3 5,000?</p> <p>4 A No, I don't. I've not counted it. I've</p> <p>5 not -- I've not counted it, nor have I heard of 14:39:43</p> <p>6 somebody who has counted how many there are and how</p> <p>7 many variations there are in total.</p> <p>8 Q What is IOS XR?</p> <p>9 MR. NEUKOM: Objection. Asked and</p> <p>10 answered. 14:40:16</p> <p>11 THE WITNESS: IOS XR is a Cisco-developed</p> <p>12 variant of IOS for the -- for the service provider</p> <p>13 marketplace.</p> <p>14 BY MR. FERRALL:</p> <p>15 Q Does IOS XR have a different set of CLI 14:40:43</p> <p>16 commands?</p> <p>17 A It has --</p> <p>18 Q From IOS, that is.</p> <p>19 A It is substantially the same. There is</p> <p>20 functionality that exists only for a service 14:41:02</p> <p>21 provider that has commands that are not contained in</p> <p>22 the other variants of IOS.</p> <p>23 Q What is IOS XE?</p> <p>24 A That is a variant of IOS.</p> <p>25 Q What's the purpose of that variant? 14:41:27</p> <p style="text-align: right;">Page 113</p>

Pages 110 to 113

1	Q How did you choose the term -- the words	18:13:39	1	
2	"timers basic" for this function?		2	
3	A I don't remember where "basic" came from.		3	
4	But using the keyword "timers" was my -- was my		4	
5	introduction, was my creation.	18:14:00	5	
6	MR. NEUKOM: Counsel, I believe we're now		6	
7	beyond seven hours.		7	
8	MR. FERRALL: Okay. Well, I -- given		8	I, KIRK LOUGHEED, do hereby declare under
9	Mr. Lougheed's tenure at Cisco, I thank him for his		9	penalty of perjury that I have read the foregoing
10	time, but I will say I think we deserve some more	18:14:22	10	transcript; that I have made any corrections as
11	time with him.		11	appear noted, in ink, initialed by me, or attached
12	But I understand seven hours is up and		12	hereto; that my testimony as contained herein, as
13	you're going to say enough is enough for today I		13	corrected, is true and correct.
14	take it; is that right?		14	EXECUTED this _____ day of _____,
15	MR. NEUKOM: Certainly for today for the	18:14:31	15	2015, at _____,
16	sake of the witness. And we will respectfully		16	(City) (State)
17	disagree with the idea that counsel needs more than		17	
18	seven hours --		18	
19	MR. FERRALL: Okay.		19	
20	MR. NEUKOM: -- needs more than today.	18:14:41	20	KIRK LOUGHEED
21	But we can discuss that for another day.		21	
22	In the meantime, I should note for the		22	
23	record the witness reserves the right to review the		23	
24	transcript and make corrections.		24	
25	Brian, I'm not sure I did that for	18:14:51	25	
	Page 186			Page 188
1	Mr. Tjong. If you're okay with it, I'd like to just	18:14:53	1	I, the undersigned, a Certified Shorthand
2	do a stipulation across the case that both sides		2	Reporter of the State of California, do hereby
3	have the 30-day review and errata right for all		3	certify:
4	transcripts regardless whether counsel puts it on		4	That the foregoing proceedings were taken
5	the record at the depo as a two-way street.	18:15:04	5	before me at the time and place herein set forth;
6	MR. FERRALL: That's fine. I thought it		6	that any witnesses in the foregoing proceedings,
7	existed as a matter of procedure anyway. So that's		7	prior to testifying, were administered an oath; that
8	fine.		8	a record of the proceedings was made by me using
9	MR. NEUKOM: I hope you're right, but glad		9	machine shorthand which was thereafter transcribed
10	to have the stipulation, even if it's unnecessary.	18:15:17	10	under my direction; that the foregoing transcript is
11	MR. FERRALL: Okay.		11	a true record of the testimony given.
12	MR. NEUKOM: Thanks very much.		12	Further, that if the foregoing pertains to
13	THE VIDEO OPERATOR: This concludes		13	the original transcript of a deposition in a Federal
14	today's videotaped deposition of Mr. Kirk Lougheed.		14	Case, before completion of the proceedings, review
15	We're off the record at 6:15 p.m. Thank you.	18:15:25	15	of the transcript [X] was [] was not requested.
16	(TIME NOTED: 6:15 p.m.)		16	I further certify I am neither financially
17	--o0o--		17	interested in the action nor a relative or employee
18			18	of any attorney or any party to this action.
19			19	IN WITNESS WHEREOF, I have this date
20			20	subscribed my name.
21			21	
22			22	Dated: 11/25/2015
23			23	
24			24	<%signature%>
25			25	CARLA SOARES
	Page 187			Page 189

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF (PSG)

Plaintiff,

v.

ARISTA NETWORKS, INC.

Defendants.

* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *

VIDEOTAPED DEPOSITION OF KIRK LOUGHEED

Palo Alto, California

Monday, April 4, 2016

Volume 2

Reported by:

LESLIE JOHNSON

RPR, CSR No. 11451

Job No.: 2285024

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1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION 4 5 CISCO SYSTEMS, INC Case No : 5:14-cv-05344-BLF(PSG) 6 Plaintiff, 7 v 8 ARISTA NETWORKS, INC 9 Defendants 10 11 12 13 14 * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY * 15 16 17 VIDEOTAPED DEPOSITION OF KIRK LOUGHEED, Volume 2, 18 taken on behalf of Defendant, at 601 California Avenue, 19 Palo Alto, California, beginning at 9:25 a m and ending 20 at 4:37 p m , on Monday, April 4, 2016, before 21 LESLIE JOHNSON, Certified Shorthand Reporter No 11451 22 23 24 25 Page 191	1 I N D E X 2 3 WITNESS EXAMINATION 4 KIRK LOUGHEED Volume 2 5 6 BY MR. WONG 197 7 8 EXHIBITS 9 KIRK LOUGHEED 10 NUMBER DESCRIPTION PAGE 11 Exhibit 452 Copy of name badge; 1 page 198 12 Exhibit 453 Black and white copy of photograph; 198 1 page 13 Exhibit 454 Patent Agreement; Bates stamped 208 KL-00000872 to 891 14 Exhibit 455 A Multiple Protocol Kernel for 228 Local Area Network Software 15 Development Reference Manual; Bates stamped KL-00000001 to 93 16 17 Exhibit 456 Document entitled "Chaosnet"; Bates 238 stamped KL-00000186 to 250 18 Exhibit 457 Document entitled "Debugging 241 Information"; Bates stamped KL-00000564-654 19 Exhibit 458 DECnet Digital Network Architecture 244 (Phase V); Bates stamped KL-00000251 to 380 20 Exhibit 459 E-mail from Stanford Low Overhead 252 Timesharing; Bates stamped KL-00001699 to 763 21 22 23 24 25 Page 193
1 APPEARANCES: 2 3 FOR PLAINTIFF CISCO SYSTEMS, INC.: 4 QUINN EMANUEL URQUHART & SULLIVAN LLP 5 BY: JOHN (JAY) NEUKOM, ESQ. 6 50 California Street, 22nd Floor 7 San Francisco, California 94111 8 (415)875-6600 9 johnneukom@quinnemanuel.com 10 FOR DEFENDANT ARISTA NETWORKS, INC.: 11 KEKER & VAN NEST LLP 12 BY: RYAN WONG, ESQ. 13 633 Battery Street 14 San Francisco, California 94111 15 (415)391-5400 16 rwong@kvn.com 17 ALSO PRESENT: 18 SEAN GRANT, Videographer 19 20 21 22 23 24 25 Page 192	1 EXHIBITS (Cont) 2 KIRK LOUGHEED 3 NUMBER DESCRIPTION PAGE 4 Exhibit 460 E-mail dated 10-Jan-83 from Barb 260 at ISL to Computer Committee; Bates stamped KL-00000868 to 871 5 Exhibit 461 Stanford Ethernip/Gateway User and 263 Configuration Guide; Bates stamped CSI-CLI-01315367 to 97 6 Exhibit 462 Letter dated August 21, 1986 from 281 Robert L Street to Len Bosack; Bates stamped CSI-CLI-01839502 to 504 7 8 Exhibit 463 E-mail dated 4/3/2006 from Kirk 298 Lougheed to Vivian Neou; Bates stamped CSI-CLI-01124245 9 10 Exhibit 464 Cisco's Amended Exhibit F; 44 pages 302 11 12 Exhibit 465 Software Unit External Functional 310 Specification; Bates stamped CSI-CLI-00608751 to 752 13 14 Exhibit 466 ipsupport c -- miscellaneous IP 328 support code; 20 pages 15 Exhibit 467 Document entitled "Part 3: Media 332 Access Control (MAC) Bridges"; Bates stamped ARISTANDCA00032440 to 812 16 17 Exhibit 468 Contents of "tip" directory; 1 page 348 18 19 Exhibit 469 Commandl c -- ASM/AGS commands; 355 Bates stamped KL-SC-00000001 to 9 20 Exhibit 470 Config c -- parse and act upon 358 configuration commands; Bates stamped KL-SC-00000010 to 20 21 Exhibit 471 Exec c -- ASM/AGS command level; 365 Bates stamped KL-SC-00000021 to 32 22 23 24 25 Page 194

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<p>1 EXHIBITS (Cont.)</p> <p>2 KIRK LOUGHEED</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4 Exhibit 472 "cisco.c" source code; 1 page 371</p> <p>5 Exhibit 473 "stanford.c" source code; 1 page 371</p> <p>6 Exhibit 474 Source code; Bates stamped 375</p> <p>KL-SC-00000033 to 41</p> <p>7</p> <p>Exhibit 475 Source code; Bates stamped 375</p> <p>8 KL-SC-00000042 to 52</p> <p>9 Exhibit 476 Cisco Systems ASM/AGS User Manual 383</p> <p>and Configuration Guide; Bates</p> <p>10 stamped CSI-CLI-00358622 to 54</p> <p>11 * * *</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 195</p>	<p>1 THE VIDEOGRAPHER: Thank you. Will the</p> <p>2 certified court reporter please swear in the</p> <p>3 witness.</p> <p>4</p> <p>5 KIRK LOUGHEED,</p> <p>6 having been administered an oath, was examined and</p> <p>7 testified as follows:</p> <p>8</p> <p>9 EXAMINATION (RESUMED)</p> <p>10 BY MR. WONG:</p> <p>11 Q. Good morning, Mr. Lougheed.</p> <p>12 A. Good morning.</p> <p>13 Q. Mr. Lougheed, do you understand that this</p> <p>14 is a continuation of your personal deposition that</p> <p>15 was taken back on November 20th, 2015?</p> <p>16 A. I do.</p> <p>17 Q. And do you understand that you are still</p> <p>18 testifying under oath as if you were testifying at</p> <p>19 trial?</p> <p>20 A. I do.</p> <p>21 Q. And is there any reason why you cannot</p> <p>22 give full and truthful testimony today?</p> <p>23 A. There is no reason.</p> <p>24 Q. And are you generally still familiar with</p> <p>25 the ground rules for a deposition?</p> <p style="text-align: right;">Page 197</p>
<p>1 Palo Alto, California, Monday, April 4, 2016</p> <p>2 9:25 a.m.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning. We're on</p> <p>5 the record. The time is 9:25 a.m., and the date is</p> <p>6 April 4th, 2016. This begins Volume 2 of the</p> <p>7 videotaped deposition of Mr. Kirk Lougheed. My name</p> <p>8 is Sean Grant, here with our court reporter, Leslie</p> <p>9 Johnson. We're here from Veritext Legal Solutions</p> <p>10 at the request of counsel for Defendant. This</p> <p>11 deposition is being held at Wilson Sonsini in Palo</p> <p>12 Alto, California. The caption of this case is</p> <p>13 "Cisco Systems Inc. versus Arista Networks Inc.,"</p> <p>14 Case No. 5:14-cv-05344-BLF.</p> <p>15 Please note that audio and video recording</p> <p>16 will take place unless all parties have agreed to go</p> <p>17 off the record. Microphones are sensitive and may</p> <p>18 pick up whispers, private conversations or cellular</p> <p>19 interference.</p> <p>20 At this time, will counsel please identify</p> <p>21 themselves and state whom they represent.</p> <p>22 MR. WONG: Ryan Wong from Kecker & Van Nest</p> <p>23 for Defendant Arista Networks.</p> <p>24 MR. NEUKOM: John Neukom for the plaintiff</p> <p>25 and also today for the witness.</p> <p style="text-align: right;">Page 196</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. Well, I'll just repeat some of the</p> <p>3 more important rules. If you need to take a break</p> <p>4 at any time, just let me know. And all I'd ask is</p> <p>5 that if there is a question pending, that you answer</p> <p>6 it before we go on the break. Okay?</p> <p>7 A. (Witness nods head.)</p> <p>8 MR. WONG: Why don't we mark this as the</p> <p>9 first exhibit for today.</p> <p>10 (Exhibit 452 marked for identification.)</p> <p>11 MR. WONG: And we will mark this one as</p> <p>12 the next exhibit.</p> <p>13 (Exhibit 453 marked for identification.)</p> <p>14 MR. NEUKOM: Ryan, I have two separate</p> <p>15 pieces of paper. Are you treating these as two</p> <p>16 separate exhibits?</p> <p>17 MR. WONG: Yes. I'm going to give them</p> <p>18 two exhibit numbers and read them into the record in</p> <p>19 just a second.</p> <p>20 The court reporter has marked as</p> <p>21 Exhibit 452 a photocopy -- photo bearing Bates Nos.</p> <p>22 KL-00002202. The court reporter has also marked as</p> <p>23 Exhibit 453, a black and white photo with Bates Nos.</p> <p>24 KL-00002201.</p> <p>25 ////</p> <p style="text-align: right;">Page 198</p>

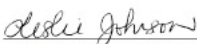
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53 (Pages 395 - 398)

<p>1 REPORTER'S CERTIFICATION</p> <p>2 I, Leslie Johnson, a Certified Shorthand</p> <p>3 Reporter of the State of California, do hereby certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth; that</p> <p>6 any witnesses in the foregoing proceedings, prior to</p> <p>7 testifying, were administered an oath; that a record of</p> <p>8 the proceedings was made by me using machine shorthand</p> <p>9 which was thereafter transcribed under my direction;</p> <p>10 that the foregoing transcript is a true record of the</p> <p>11 testimony given.</p> <p>12 Further, that if the foregoing pertains to</p> <p>13 the original transcript of a deposition in a Federal</p> <p>14 Case, before completion of the proceedings, review</p> <p>15 of the transcript [] was [] was not requested.</p> <p>16 I further certify I am neither financially interested in</p> <p>17 the action nor a relative or employee of any attorney or</p> <p>18 any party to this action.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21 Dated: April 19, 2016</p> <p>22</p> <p>23 </p> <p>24 LESLIE JOHNSON</p> <p>25 CSR No. 11451, RPR, CCRR</p> <p style="text-align: right;">Page 399</p>	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS,)
INC.,)
Plaintiff,)
vs.) No. 5:14-cv-05344-BLF (PSG)
ARISTA NETWORKS,)
INC.,)
Defendant.)

CONFIDENTIAL INFORMATION UNDER THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF ANTHONY J. LI

Palo Alto, CA

Monday, February 1, 2016

Volume I

Reported by: SUSAN F. MAGEE, RPR, CCRR, CLR

CSR No. 11661

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8 vs) No 5:14-cv-05344-BIF (PSG)	8 BY MR PAK 191
9 ARISTA NETWORKS,)	9
10 INC,)	10
11 Defendant)	11
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16 PROTECTIVE ORDER VIDEO DEPOSITION OF ANTHONY J LI	16
17 taken on behalf of Defendant at WILSON, SONSINI,	17
18 GOODRICH & ROSATI, 601 South California Avenue,	18
19 Palo Alto, CA 94304, beginning at 9:13 a m and	19
20 ending at 4:17 p m on Monday, February 1, 2016,	20
21 before Susan F Magee, RPR, CCRP, CLR, Certified	21
22 Shorthand Reporter No 11661	22
23	23
24	24
25	25
Page 2	Page 4
1 APPEARANCES:	1 E X H I B I T S
2	2 NUMBER DESCRIPTION PAGE
3 For the Plaintiff:	3
4 QUINN, EMANUEL, URQUHART & SULLIVAN	4 Exhibit 136 LinkedIn Profile (8 pages) 12
5 BY: SEAN PAK, ESQ.	5 Exhibit 137 RFC Table (3 pages) 90
6 50 California Street	6 Exhibit 138 March 1995 RFC 1771, A Border 100
7 22nd Floor	7 Gateway Protocol 4 (BGP-4) (57
8 San Francisco, CA 94111	8 pages)
9 (415) 875-6600	9 Exhibit 139 December 1995 RFC 1887, An 105
10 seanpak@quinnemanuel.com	10 Architecture for IPv6 Unicast
11	11 Address Allocation,
12 For the Defendant:	12 ARISTANDCA00025747-ARISTANDCA
13 KEKER & VAN NEST LLP	13 00025772
14 BY: RYAN WONG, ESQ.	14 Exhibit 140 June 1996 RFC 1966, BGP Route 111
15 BRIAN L. FERRALL, ESQ.	15 Reflection, An Alternative to
16 633 Battery Street	16 Full Mesh IBGP,
17 San Francisco, CA 94111-1809	17 ARISTANDCA00025927-ARISTANDCA
18 (415) 773-6682	18 00025933
19 rwong@kvn.com	19 Exhibit 141 October 2008 RFC 2966, 116
20 bferrall@kvn.com	20 Domain-Wide Prefix Distribution
21	21 with Two-Level IS-IS (16 pages)
22 The Videographer:	22 Exhibit 142 August 1996 RFC 1997, BGP 119
23 JEFREE ANDERSON	23 Communities Attribute,
24	24 ARISTANDCA00026094-ARISTANDCA
25	25 00026098
Page 3	Page 5

1	E X H I B I T S (continued)		1	Palo Alto, CA, Monday February 1, 2016	
2	NUMBER DESCRIPTION PAGE		2	9:13 a.m.	
3			3		
4	Exhibit 143 March 1998 RFC 2281, Cisco Hot Standby Router Protocol (HSRP),	124	4	THE VIDEOGRAPHER: Good morning. We're on	
5	ARISTANDCA00026832-ARISTANDCA		5	the record at 9:13 a.m. on February 1st, 2016. This	09:13:47
6	00026848		6	is the video recorded deposition of -- so sorry. Of	
7			7	Anthony Li here with our court reporter Susan Magee.	
8	Exhibit 144 E-mail String Containing	143	8	My name is Jefree Anderson. We are here	
9	9/22/92 E-mail from/to Toni Li,		9	from Veritext Legal Solutions at the request of	
10	TS-00000066		10	counsel for the -- defendant or the plaintiff?	09:14:16
11	Exhibit 145 Procket Networks PRO/8000	163	11	MR. WONG: Defendants.	
12	Series Software Introduction		12	THE VIDEOGRAPHER: For the defendant. This	
13	(144 pages)		13	deposition is being held at Wilson Sonsini at	
14	Exhibit 146 Procket Networks PRO/8000	164	14	601 California Avenue, Palo Alto, California. The	
15	Series IPv6 Routing Protocols		15	caption of this case is Cisco Systems, Incorporated	09:14:31
16	(180 pages)		16	vs. Arista Networks, Incorporated. The case number	
17	Exhibit 147 Procket Networks PRO/8000	164	17	is 5:14-cv-05344.	
18	Series System Management and		18	Please note that audio and video recording	
19	Operations (604 pages)		19	will take place unless all parties agree to go off	
20	Exhibit 148 Cisco's 6th Supplemental	167	20	the record, and microphones are sensitive and may	09:14:53
21	Response to Interrogatory NO.		21	pick up whispers, private conversations and cellular	
22	16 and Response to		22	interference; so please be aware of that.	
23	Interrogatory No. 19 Amended		23	Beginning with our noticing attorney,	
24	Exhibit F (45 pages)		24	please state your name and the firm you represent.	
25	Exhibit 149 List of Commands (1 page)	169	25	MR. WONG: Ryan Wong from Kecker & Van Nest	09:15:05
		Page 6			Page 8
1	E X H I B I T S (continued)		1	for defendant Arista Networks.	
2	NUMBER DESCRIPTION PAGE		2	MR. FERRALL: Brian Ferrall, Kecker & Van	
3			3	Nest, also for Arista.	
4	Exhibit 150 1/20/96 E-mail from Toni Li to	183	4	MR. PAK: Sean Pak of Quinn for Cisco.	
5	Bill W., CSI-CLI-00746246		5	THE VIDEOGRAPHER: Thank you.	09:15:16
6	Exhibit 151 CSCdi14533, CSI-CLI-01339850	185	6	Will the court reporter please swear in the	
7	Exhibit 152 Group of E-mails Containing	239	7	witness.	
8	2/23/1996 E-mail from Tony Li		8		
9	to widmer@cisco.com,		9	ANTHONY J. LI,	
10	CSI-CLI-00746331 -		10	having been administered an oath, was examined and	09:15:19
11	CSI-CLI-00746347		11	testified as follows:	
12			12		
13			13	EXAMINATION BY MR. WONG	
14			14		
15			15	Q. Good morning, Mr. Li.	09:15:29
16			16	A. Good morning.	
17			17	Q. Please state your full name.	
18			18	A. Anthony Joseph Li.	
19			19	Q. Do you live in the Bay Area, Mr. Li?	
20			20	A. I do.	09:15:36
21					
22					
23					
24			24	Q. Mr. Li, do you understand that are you	
25			25	testifying here in response to a subpoena in this	09:15:46
		Page 7			Page 9

<p>1 A. That varies. I was a programmer at</p> <p>2 Digital Research working on CPM, so I was a</p> <p>3 developer in that role. Most of the others I was a</p> <p>4 user.</p> <p>5 Q. When were you a programmer at 09:39:12</p> <p>6 Digital Research?</p> <p>7 A. So I had two summer internships, the</p> <p>8 summers of 1982 and 1981.</p> <p>9 Q. What was the command -- strike that.</p> <p>10 Actually, what was the command syntax used 09:39:34</p> <p>11 for CPM?</p> <p>12 A. Again, it was very similar to use -- what</p> <p>13 was used in TOPS-20 and VMS. Again, verb, noun and</p> <p>14 qualifiers.</p> <p>15 Q. What were some of the verbs that were used 09:39:52</p> <p>16 in the command set for CPM?</p> <p>17 A. I'm sorry. I've forgotten.</p> <p>18 Q. Do you recall any of the verbs that were</p> <p>19 used in the command sets for TOPS-20?</p> <p>20 A. Info, show, DIR. I've forgotten most of 09:40:07</p> <p>21 the others.</p> <p>22 Q. You mentioned MS-DOS as one of the command</p> <p>23 line interfaces that you had worked with; correct?</p> <p>24 A. Mm-hmm.</p> <p>25 Q. In what context did you work with MS-DOS? 09:40:30</p> <p style="text-align: right;">Page 26</p>	<p>1 accessible to the system administrator.</p> <p>2 Q. When you say "privileged," what do you mean</p> <p>3 by that?</p> <p>4 A. The system administration and management</p> <p>5 commands are -- cannot be executed by a normal user. 09:42:46</p> <p>6 Q. Were there similar separations of command</p> <p>7 sets in any of the other operating systems that we</p> <p>8 discussed this morning?</p> <p>9 A. Almost all have that kind of separation.</p> <p>10 Q. What -- describe for me the separation in 09:43:08</p> <p>11 command sets that existed in TOPS-20.</p> <p>12 A. As a user of TOPS-20, I don't recall the</p> <p>13 details of the administration commands, so I never</p> <p>14 used them.</p> <p>15 Q. Were the administration commands in TOPS-20 09:43:25</p> <p>16 accessible to you as a user?</p> <p>17 A. No.</p> <p>18 Q. How were command sets separated in VAX/VMS?</p> <p>19 A. Again, there were privileged commands that</p> <p>20 one could use if you were a system administrator. 09:43:46</p> <p>21 Q. Was the term "privileged" a term that you</p> <p>22 came up with, Mr. Li?</p> <p>23 A. No. I'm sure that several of -- I've</p> <p>24 picked that up somewhere, but that is commonly used.</p> <p>25 Q. That is commonly used to describe what? 09:44:14</p> <p style="text-align: right;">Page 28</p>
<p>1 A. Just as a user.</p> <p>2 Q. And that was in the early 1980s?</p> <p>3 A. At some point, yes.</p> <p>4 Q. You also mentioned UNIX as a system that</p> <p>5 you have experience with; correct? 09:40:54</p> <p>6 A. That's correct.</p> <p>7 Q. In what context did you work with the UNIX</p> <p>8 operating system?</p> <p>9 A. I had access to a UNIX system as a user</p> <p>10 starting in 1975. 09:41:03</p> <p>11 Q. Do you know how long UNIX has been in</p> <p>12 existence as an operating system?</p> <p>13 A. No, I don't.</p> <p>14 Q. And how many years did you work with the</p> <p>15 UNIX operating system? 09:41:22</p> <p>16 A. I've been working with it on and off since</p> <p>17 1975.</p> <p>18 Q. Can you describe for me how the UNIX CLI</p> <p>19 worked?</p> <p>20 A. UNIX CLI is, again, a command and 09:42:06</p> <p>21 parameters structure with a verb and then nouns and</p> <p>22 qualifiers behind it.</p> <p>23 Q. Were all commands available to a UNIX user?</p> <p>24 A. There are commands that are not available</p> <p>25 that they are -- they're privileged and only 09:42:33</p> <p style="text-align: right;">Page 27</p>	<p>1 A. Throughout the industry to indicate that</p> <p>2 people -- certain administrators have abilities that</p> <p>3 are past normal users.</p> <p>4 Q. Was the term "privileged" commonly used at</p> <p>5 the time that you were working on VAX/VMS? 09:44:30</p> <p>6 MR. PAK: Objection. Calls for expert</p> <p>7 testimony.</p> <p>8 BY MR. WONG: Q. Just to your</p> <p>9 recollection, Mr. Li.</p> <p>10 A. Yes. 09:44:40</p> <p>11 Q. And what facts are you basing that answer</p> <p>12 on?</p> <p>13 A. I was a system administrator for a VMS</p> <p>14 system.</p> <p>15 Q. Did you use the term "privileged" to 09:44:50</p> <p>16 describe commands that were accessible only to</p> <p>17 system administrators at the time you were working</p> <p>18 on VAX/VMS?</p> <p>19 A. Probably.</p> <p>20 Q. Was it likely that you were using that 09:45:03</p> <p>21 term?</p> <p>22 A. Very likely.</p> <p>23 Q. You mentioned VMCMS. What experience did</p> <p>24 you have working with VMCMS?</p> <p>25 A. So USC maintained, in addition to numerous 09:45:27</p> <p style="text-align: right;">Page 29</p>

<p>1 standards organization like IETF?</p> <p>2 A. I have never seen anyone do that. I have</p> <p>3 never seen Cisco have any UI patents; so I don't</p> <p>4 understand.</p> <p>5 Q. Mr. Li, is there any other views or 04:15:36</p> <p>6 opinions that you have with respect to this case</p> <p>7 that you have not shared with us on the record that</p> <p>8 you would like to share with us now?</p> <p>9 MR. WONG: Objection. Vague.</p> <p>10 THE WITNESS: I don't understand your 04:15:55</p> <p>11 question.</p> <p>12 BY MR. PAK: Q. We talked about a lot of</p> <p>13 different topics. I'm giving you the opportunity to</p> <p>14 provide any further testimony that you would like on</p> <p>15 any of these topics if you'd like it. 04:16:05</p> <p>16 A. So I don't understand what intellectual</p> <p>17 property people think there is in some CLI syntax.</p> <p>18 The intellectual property is -- that's of</p> <p>19 significance gets covered in patents. If we thought</p> <p>20 it was worth protecting, we would copyright it. We 04:16:22</p> <p>21 would patent it.</p> <p>22 MR. WONG: Object to the form of the</p> <p>23 question.</p> <p>24 BY MR. PAK: Q. Do you believe that</p> <p>25 copyright is a form of intellectual property? 04:16:34</p> <p>Page 254</p>	<p>1 THE VIDEOGRAPHER: Okay. This marks the</p> <p>2 end of DVD No. 4 in the deposition of Anthony Li.</p> <p>3 Going off the record. The time is 4:17. 04:17:29</p> <p>4 (TIME NOTED: 4:17 p.m.)</p> <p>5 --o0o--</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 256</p>
<p>1 MR. WONG: Objection. Calls for opinion</p> <p>2 testimony.</p> <p>3 THE WITNESS: It calls for legal testimony.</p> <p>4 I don't understand.</p> <p>5 BY MR. PAK: Q. What is your understanding 04:16:44</p> <p>6 of copyright law?</p> <p>7 MR. WONG: Same objection.</p> <p>8 THE WITNESS: Vague as best.</p> <p>9 BY MR. PAK: Q. I take it, sir, that you</p> <p>10 haven't analyzed any copyright laws relating to 04:16:56</p> <p>11 interface, APIs, user interfaces?</p> <p>12 A. I know that I'm supposed to put a copyright</p> <p>13 notice in the top of every source code file. That's</p> <p>14 about all I know.</p> <p>15 Q. Okay. 04:17:08</p> <p>16 A. I can't even tell you for certain what I'm</p> <p>17 supposed to put in the top of the file because</p> <p>18 nobody can tell me exactly how I should deal with</p> <p>19 multiple years.</p> <p>20 MR. PAK: Thank you. Sir, I think those 04:17:18</p> <p>21 are the questions I have for you today.</p> <p>22 MR. WONG: I have no further questions.</p> <p>23 ////</p> <p>24</p> <p>25</p> <p>Page 255</p>	<p>1 I, ANTHONY J. LI, do hereby declare under</p> <p>2 penalty of perjury that I have read the foregoing</p> <p>3 transcript; that I have made any corrections as appear</p> <p>4 noted, in ink, initialed by me, or attached hereto; that</p> <p>5 my testimony as contained herein, as corrected, is true</p> <p>6 and correct.</p> <p>7 Executed this _____ day of _____,</p> <p>8 2016, at _____,</p> <p>9 (city) (state)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 ANTHONY J. LI</p> <p>17 Volume I</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 257</p>

<p>1 I, the undersigned, a Certified Shorthand 2 Reporter of the State of California, do hereby 3 certify: 4 That the foregoing proceedings were taken 5 before me at the time and place herein set forth; 6 that any witnesses in the foregoing proceedings, 7 prior to testifying, were administered an oath; that 8 a record of the proceedings was made by me using 9 machine shorthand which was thereafter transcribed 10 under my direction; that the foregoing transcript is 11 a true record of the testimony given. 12 Further, that if the foregoing pertains to 13 the original transcript of a deposition in a Federal 14 Case, before completion of the proceedings, review 15 of the transcript [X] was [] was not requested. 16 I further certify I am neither financially 17 interested in the action nor a relative or employee 18 of any attorney or any party to this action. 19 IN WITNESS WHEREOF, I have this date 20 subscribed my name. 21 Dated: February 3, 2016 22 23 24  Susan F. Magee 25 CSR No. 11661, RPR, CCRR, CLR</p>	

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

- - - - - x Case No.
: 5:14-cv-05344-BLF (PSG)
:
CISCO SYSTEMS, INC., :
:
Plaintiff, :
:
vs. :
:
ARISTA NETWORKS, INC., :
:
Defendant. :
:
- - - - - x

VIDEOTAPED DEPOSITION OF GREG SATZ
March 23, 2016
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VOLUME 1

Reported by
Brooke R. Bohr
CSR No. 753
Job No 2272380
Pages 1 - 168

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 VIDEOTAPED DEPOSITION OF GREG SATZ, 2 taken at the instance of the Defendant, at the 3 offices of TUCKER & ASSOCIATES, 605 W. Fort 4 Street, in the City of Boise, State of Idaho, 5 commencing at 10:10 a m., on March 23, 2016, 6 before Brooke R. Bohr, CSR, RPR, a Notary Public 7 in and for the State of Idaho, pursuant to notice, 8 and in accordance with the applicable Rules of 9 Civil Procedure.</p> <p>10 11 A P P E A R A N C E S 12 FOR PLAINTIFF John M. Neukom, Esq. 13 QUINN EMAMUEL URQUHART & SULLIVAN LLP 50 California Street, 22nd Floor 14 San Francisco, CA 94111 (415) 875-6320 15 johnneukom@quinnemanuel.com 16 FOR DEFENDANT Brian L. Ferrall, Esq. 17 KEKER & VAN NEST LLP 633 Battery Street 18 San Francisco, CA 94111 (415) 391-5400 19 bferrall@kvn.com 20 21 22 23 24 25</p>	<p>1 BOISE, IDAHO 2 March 23, 2016, 10:10 a.m. 3 4 THE VIDEOGRAPHER: We are now on the record. 5 Please note that the microphones are 6 sensitive and may pick up whispering and private 7 conversations. Please turn off all cell phones or 8 place them away from the microphones as they can 9 interfere with the deposition audio. Recording 10 will continue until all parties agree to go off 11 record. 12 My name is David Cromwell, representing 13 Veritext. The date today is March 23, 2016, and 14 the time is approximately 10:10 a m. This 15 deposition is being held at Tucker & Associates 16 located at 605 West Fort Street, Boise, Idaho 17 83702, and is being taken by counsel for the 18 defendant. 19 The caption of this case is Cisco 20 Systems, Inc. v. Arista Networks, Inc. This case 21 is filed in the United States District Court, 22 Northern District of California, San Jose 23 Division, Case No. 5:14-CV-05344-BLF PSG. The 24 name of the witness is Greg Satz. 25 At this time, the attorneys present in</p>
<p>1 W I T N E S S 2 GREG SATZ Page: 3 Examination by Mr. Ferrall 5 4 Examination by Mr. Neukom 151 5 Further Examination by Mr. Ferrall 158 6 7 * * * * * 8 E X H I B I T S 9 10 Page: 11 Exhibit 400 Greg Satz LinkedIn 13 12 Exhibit 401 "TOPS-20 DECnet-20 Programmers 22 Guide and Operations Manual" 13 14 Exhibit 402 One-page Document with 36 Bates No. KL-883 15 Exhibit 403 Document Beginning Bates No. 69 ARISTANDCA00022465 16 17 Exhibit 404 Document Beginning Bates No. 84 CSI-CLI-00359132 18 Exhibit 405 One-page Document Bates No. 106 CSI-CLI-00746924 19 20 Exhibit 406 Document Bates No. CSI-CLI-01828732 112 Through Bates No. CSI-CLI-01828783 21 Exhibit 407 Document Beginning Bates No. 141 CSI-CLI-01295215 22 23 Exhibit 408 Document Beginning Bates No. 143 CSI-CLI-01295181 24 25 * * * * *</p>	<p>1 the room will identify themselves and the parties 2 they represent. 3 MR. FERRALL: Brian Ferrall of Keker & 4 Van Nest on behalf of Arista Networks. 5 MR. NEUKOM: John Neukom for the plaintiff. 6 THE COURT: Our court reporter, Brooke Bohr, 7 representing Veritext, will swear in the witness, 8 and we can proceed. 9 10 GREG SATZ, 11 produced as a witness at the instance of the 12 Defendant, having been first duly sworn, was 13 examined and testified as follows: 14 15 EXAMINATION 16 BY MR. FERRALL: 17 Q. Good morning, Mr. Satz. Can you please 18 state your full name. 19 A. Greg Leonard Satz. 20 Q. Mr. Satz, you are not represented by 21 counsel today; is that right? 22 A. Correct. 23 Q. Have you ever been deposed before? 24 A. I have. 25 Q. All right. So you know the basic</p>

Page 2

Page 4

Page 3

Page 5

2 (Pages 2 - 5)

<p>1 "Stanford Ethertip/Gateway User and Configuration 2 Guide." 3 A. Yeah. 4 Q. Had you ever seen this before? 5 A. I'm sure I have. I don't have a 6 recollection of it, and I don't remember this date 7 at all. This is a pretty late date. 8 Q. Do you know Glenn Truitt? 9 A. I do. 10 Q. What did he work on at Stanford? 11 A. I no longer remember. I do know that 12 he had his hands in this software, but a lot of 13 people did. Jeffrey Mobile, Benji Levy. This 14 was -- this code was a lot of research work. And 15 so if one of the graduate students felt there was 16 an application they wanted to experiment with, 17 this really was the beginning of what then became 18 the multi-protocol router and Cisco's router. 19 So -- oh, yeah, there's some really old -- really 20 old stuff here. 21 Q. Did you become familiar with some of 22 the commands from this device? 23 A. Yes. 24 Q. Yeah? How did you become familiar with 25 it?</p> <p style="text-align: right;">Page 26</p>	<p>1 Q. This was a -- begins a section called 2 "privileged commands." Do you see that? 3 A. Um-hum. I do. 4 Q. And were you aware of a privileged mode 5 in this -- in the TIP Gateway? 6 A. Sure. 7 Q. Explain what was the purpose of the 8 privilege mode there. 9 A. It mimicked the TOPS-20 style of 10 parsing, and it -- there were commands that people 11 would use to just have the device do what it does 12 day-to-day, and there were commands that 13 administrators or users who needed to maintain the 14 device in the network would use. And so privilege 15 commands were the latter set, and TOPS-20 had a 16 very similar model. 17 Q. And this document says in the -- I 18 guess in the second sentence, it's -- or I'll read 19 the first sentence also: There's a second set of 20 commands available to the Ethertip user. The two 21 command levels are disjoint. That is, the 22 privileged mode is not a superset of the normal 23 mode. 24 Do you see that? 25 A. Um-hum.</p> <p style="text-align: right;">Page 28</p>
<p>1 A. Well, we were users of these devices 2 when I -- the state of the art back then, before 3 there were all of these computers and laptops, is 4 you used a basic terminal with RS232 into some 5 device that converted the commands into network 6 protocols and used that across the network to talk 7 to mainframes. That was state of the art. 8 So on my desk at Stanford and at SRI 9 was these computers that were just terminals. 10 They -- all they did was take a capture of 11 keypress and generate a character. And that 12 character was shipped across the network 13 somewhere. And the computer would get that 14 character, do something with it, and ship you back 15 the output. 16 So that's what a TIP was, terminal 17 interface processor. It allowed you to take an 18 RS232 terminal and sit on the network without 19 talking to the computer directly. And I think 20 Kirk was responsible for gluing the TIP and the 21 Gateway software together, because they were two 22 different software bases. 23 Q. So if I could ask you to turn to Page 6 24 of that Exhibit 36. 25 A. Okay.</p> <p style="text-align: right;">Page 27</p>	<p>1 Q. So what did you understand to be the 2 purpose of the normal mode, then, as opposed to 3 the privileged mode? 4 A. Day-to-day users don't need privileged 5 mode. They go in, they make their connections, 6 they do what they do to get their work done, and 7 that's the extent of their relationship to the 8 software. 9 The people who administer the device 10 and who might need to add a new feature or upgrade 11 the software would have to use privileged mode. 12 And it is a complete separate set of functions. 13 And in particular for the programmers, 14 they -- you know, they made a mistake, and they've 15 got to go figure out why something is not working, 16 especially for research work. 17 Q. I want to ask about some of the 18 commands that follow here on Page 6. 19 "Access.lists," I see under 3.1. 20 A. Um-hum. 21 Q. Was that a command you were familiar 22 with? 23 A. That's a very common and important 24 command. 25 Q. What is an access.list command?</p> <p style="text-align: right;">Page 29</p>

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<p>1 Exhibit 405 is a one-page document</p> <p>2 marked CSI-CLI-00746924.</p> <p>3 Exhibit 406 begins CSI-CLI-01828732,</p> <p>4 and for this document I'll read the last number</p> <p>5 because I think we're all unclear whether it is</p> <p>6 one versus multiple documents. This ends with</p> <p>7 Bates stamp CSI-CLI-01828783.</p> <p>8 Exhibit 407 begins Bates stamp</p> <p>9 CSI-CLI-01295215.</p> <p>10 And Exhibit 408 begins</p> <p>11 CSI-CLI-01295181.</p> <p>12 MR. NEUKOM: Thanks all.</p> <p>13 MR. FERRALL: Agreed. Thank you.</p> <p>14 (The deposition concluded at 3:31 p.m.)</p> <p>15 -oo0oo-</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 166</p>	<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 I, BROOKE R. BOHR, a Notary Public in</p> <p>5 and for the State of Idaho, do hereby certify:</p> <p>6 That prior to being examined, the</p> <p>7 witness named in the foregoing deposition was by</p> <p>8 me duly sworn to testify the truth, the whole</p> <p>9 truth, and nothing but the truth;</p> <p>10 That said deposition was taken down by</p> <p>11 me in shorthand at the time and place therein</p> <p>12 named and thereafter reduced into typewriting</p> <p>13 under my direction, and that the foregoing</p> <p>14 transcript contains a full, true, and verbatim</p> <p>15 record of the said deposition.</p> <p>16 I further certify that I have no</p> <p>17 interest in the event of the action.</p> <p>18 WITNESS my hand and seal March 30, 2016.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 <%signature%></p> <p>24 Brooke R. Bohr</p> <p>25 CSR No. 753</p> <p style="text-align: right;">Page 168</p>
<p>1 VERIFICATION</p> <p>2 I declare under penalty of perjury</p> <p>3 under the laws that the foregoing is</p> <p>4 true and correct.</p> <p>5</p> <p>6 Executed on _____, 20____,</p> <p>7 at _____.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 WITNESS SIGNATURE</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 167</p>	